

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NORTH AMERICAN SPECIALTY
INSURANCE COMPANY,

Plaintiff

v.

Civil No. 04-206-P-C

SEACOAST CRANE CO., INC., WILLIAM
J. BELANGER JR., LOUISE H.
BELANGER, BRUCE C. BELANGER and
KRISTEN E. BELANGER,

Defendants

Gene Carter, Senior District Judge

**ORDER ACCEPTING, AFFIRMING, AND ADOPTING
THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

After full de novo review, it is hereby **ORDERED** that:

- (1) The said Recommended Decision (Docket Item No. 50) of the Magistrate Judge be, and it is hereby, **ACCEPTED**, **AFFIRMED**, and **ADOPTED** as the judgment of this Court;
- (2) The Plaintiff's Motion for Summary Judgment be, and it is hereby, **GRANTED**;
- (3) The Defendants' Motion for Summary Judgment be, and it is hereby, **GRANTED** as to Defendant Seacoast Crane Co., Inc., and it is otherwise **DENIED**;
- (4) That portion of Defendant Seacoast's Summary Judgment Motion seeking summary judgment on the basis of collateral estoppel resulting from the March 22, 2006 order of the Maine Superior Court (York County) is hereby **GRANTED**, *see* Recommended Decision at 6-7; and

(5) Plaintiff shall show cause in writing to the Magistrate Judge within twenty (20) days of the date of this Order why Count II of the Complaint should not be dismissed as moot.

It is further **ORDERED** that Defendants' objection No. 4, Defendants' Objection to Recommended Decision at 2, treated as a request for Court review for reasonableness of Plaintiff's request for attorney's fees, is hereby **DENIED** as **WAIVED** by the failure to generate, brief or argue any issue concerning the reasonableness of said fees before the Magistrate Judge.

/s/ Gene Carter
GENE CARTER
Senior United States District Judge

Dated this 31st day of January, 2007.